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November 9, 2021

Honorable J.P. Stadtmueller
United States District Court – Eastern District of WI
517 East Wisconsin Avenue
Milwaukee, WI 53202

RE: *Carter v. City of Wauwatosa, et al.*; Case No. 19-cv-1422

Dear Judge Stadtmueller:

Please let this letter serve as a brief update regarding dispositive motions. On September 28, 2021, this Court issued an Order denying Plaintiffs' partial motion and Defendants' motion for summary judgment without prejudice. (Docket #65) The Order instructed the parties that any subsequent motion must comply with the Court's newly adopted protocol which requires the parties meet and confer on agreed-upon facts.

Defendants maintain summary judgment is appropriate and intend to again file a motion for summary judgment in compliance with this Court's protocol. To achieve this end, defense counsel prepared and provided counsel for plaintiffs with a draft of undisputed facts. The parties then engaged in a meet and confer on Monday, October 25, 2021. Before completing the meet and confer, counsel for plaintiffs advised she had a prior engagement and would need to briefly adjourn the meet and confer. Counsel for plaintiffs later advised she was no longer available as discussed but could be available later in the evening or in the alternative could prepare proposed facts and continue the meet and confer on another day. Defense counsel agreed allowing counsel to prepare her proposed fact would likely be beneficial and requested counsel's availability for later that week to continue the meet and confer.

As of today's filing, we have not received counsel's draft, nor have we been able to schedule a follow-up meet and confer with counsel. A similar situation occurred in August when counsel for plaintiffs agree to provide an index of disputed facts and never did. It is our understanding she was out of the office last week. As such, defense counsel will continue attempts to conduct the required meet and confer or in the alternative will seek judicial intervention if necessary.

Respectfully submitted,

/s/ Kiley B. Zellner

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